

Ethical and human rights issues of HIV screening

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HIV/AIDS is a well known pandemic affecting about 35 million people worldwide.¹ The ethical problems involved are more pressing and more important than the HIV infection itself.² One preventive measure against HIV transmission is knowing one's status, which may result in behavioral change.³ Government, private agencies and non-governmental organizations sensitize people to know their HIV status through media campaigns and jingles.⁴

A care provider i.e. a health care personnel or counselor who sends a client for screening and does not inform the person of the result violates the rights of the individual and deprives the client the right to life, health information, access to treatment, care and support.⁵ It is ethical for a practitioner to give pre and post counseling in the management of HIV/AIDS.⁶

I illustrate with the following cases:

A 28 year old woman was screened premaritally, was positive but was not informed. She had a baby that died in infancy of suspected HIV disease. She was only informed two years later when she became very ill.

The 2nd case involved a 32 year old woman who dropped out of the Prevention of Mother To Child Transmission (PMTCT) clinic of UPTH, when she claimed to have become HIV negative but in her next pregnancy, she registered in a private clinic and was screened by the doctor

but was not informed that she was positive until her late third trimester when she informed the doctor she wished to have her baby in the village. She came back to the PMTCT clinic of UPTH and commenced her antiretroviral therapy again but she died two weeks later.

These two cases led to increased morbidity, infant and maternal mortality. It is a clinician's responsibility to inform his patient about any condition critical to their wellbeing, and where this is not done, it is a violation of the patient's rights.⁷

The rights of a patient include: a right to confidentiality, information and treatment.⁸ It is unethical therefore, and a violation of the patient's rights to be screened and not be informed more so now that antiretroviral therapy serves a dual purpose of treatment and prevention.⁹

It is a case of professional negligence for a doctor that fails to do anything that ought reasonably to have been done under any circumstances for the good of the patient.¹⁰

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